

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

IN RE:) Case No. 18-80386
)
LENT CHRISTOPHER CARR, II) Chapter 13
DELTARINA V. CARR)
Debtors.)
-----)

MOTION TO ENFORCE AUTOMATIC STAY

NOW COME the Debtors, by and through their undersigned attorney, and move the Court for an order enforcing the automatic stay of 11 U.S.C. § 362. In support thereof, the Debtors show as follows:

1. The Debtors filed this chapter 13 case on March 20, 2018. A plan was confirmed on October 26, 2018.
2. On or about April 4, 2018 Ms. Jannetta Jordan file a civil complaint in the Superior Court of Hoke County, entitled *Jannetta Jordan v. Lent Carr*, and assigned file number 18 CVS 239 (the “Civil Case”).
3. Mr. Carr, the Debtor, is the owner of real property located at 3300 Laurinburg Rd, Raeford, NC 28376 (the “Property”).
4. On or around April 4, 2018, Ms. Jordan filed a Notice of Lis Pendens associated with the Civil Case in Hoke County concerning the Property, asserting a debt of \$250,000.00.
5. This same debt is the subject of a claim filed by Ms. Jordan on May 13, 2018, and subsequently disallowed on October 26, 2018.
6. Counsel has previously requested of Ms. Jordan that the lis pendens be released on account of the bankruptcy, but no release has occurred.
7. The filing and maintenance of a lis pendens in state court subsequent to filing of the bankruptcy is inconsistent with requirements of the stay imposed under 11 U.S.C. § 362(a).

WHEREFORE, the Debtors pray that the Court enter an Order:

1. Declaring the lis pendens described above to contravene the automatic stay of 11 U.S.C. § 362;
2. Deem the lis pendens void and/or order that the lis pendens be cancelled; and
3. Providing for such other relief as the Court deems appropriate.

Respectfully submitted, this the 14th day of October, 2019

s/ Erich M. Fabricius

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion was served this day on the following parties, via first class mail unless otherwise indicated:

Richard M. Hutson II
Chapter 13 Trustee
(via CM/ECF)

Janetta Jordan
4160 Laurinburg Rd.
Raeford, NC 28376

This 14th day of October, 2019

s/ Erich M. Fabricius